

SEWER CASE WON

The Citizens Win a Decisive Victory in the Sewer Bond Case.

The case of John Walsh vs the First National Bank of Monett which has been on trial in the Circuit Court was decided today by Judge Johnson in favor of Mr. Walsh.

This is a test case involving the legality of the Monett Sewer tax bills and was begun by a number of our Citizens in the name of John Walsh against the bank as agent.

The case was a hard fought one and the people won on every point.

The case will be carried to the Court of Appeals.

Trustee's Sale.

Whereas by a certain deed of trust dated 26th day of October, 1906 and recorded in the office of Recorder of Deeds of Barry County Missouri, at Cassville, in book 40 at page 49 on the 29th day of October, 1906 wherein D. F. Fair and G. D. Fair his wife, did convey to the undersigned as trustee the following described real estate, to-wit: All of lot numbered Three (3), block numbered Three (3), Monett Town Co's first addition to Monett Town Co's Townsite of Monett, Missouri, in trust however to secure payment of 69 promissory notes therein described, made by grantors in favor of J. M. Lovings, and whereas default has been made in the payment of said notes in said deed of trust described and the interest due thereon, I will by virtue of said deed of trust and at the request of the legal holder of notes, on Tuesday, March 30th, 1909, between the hours of 8 o'clock in the forenoon and 5 o'clock in the afternoon of said day at post office door in the city of Monett, Barry County, Missouri, sell at public auction to the highest bidder for cash the above described real estate for the purpose of satisfying the said notes and paying the costs and expenses of executing this trust; given under my hand this 24th day of February, 1909.

D. H. KEMP,
Trustee.

Farmers Take Notice

When in need of fire and tornado insurance you should see that you are written up in a good company. We are prepared to write you in the Home Fire Insurance Company of New York, which is the largest company doing business in the U. S., and can give you as good rates as you can secure any place. We also insure country stores, school houses, churches and all other rural buildings. Your patronage will be appreciated.

A New Addition

We have now added to our insurance department "The live stock life insurance," which insures fine stock against death. We can write you at moderate rates. Call and let us give you the particulars.

McQuary-Smith Realty Co.

Mr. Albert Johnston, is authority for the statement that McDowell south of Aurora, in Barry County, is to take on metropolitan airs, and have electric lights. A company, composed principally of Springfield investors who are moving the concentrating mill, from the mine on Calton farm south of Verona, to the one at McDowell, will put on a dynamo, to use at the mine and also, will give the citizens of the burg the luxury of electric lights. It is said the prices made the citizens, will be liberal and little above the cost of producing the electricity.—Aurora Argus.

Fred Fessler visited in Joplin Friday.

Mrs. Wicks, of Peirce City visited Mrs. Alvin Cox Friday.

Blake Dirickson returned home Friday from Tulsa.

Miss Delia Largen was ill Friday. Miss Lola Snider taught in her place.

Prof. J. R. Wallen, county school commissioner, was in the city Saturday looking up his chances of re-election.

Prospect Bright For Bumper Crop of Apples.

Columbia, Mo., March 4.—The prevailing high price of apples—and the price is high—is due to the repeated failures of the apple crop throughout the entire Middle West, according to Prof. Walter Howard, professor of horticulture of the University of Missouri.

"For two years," said Prof. Howard, today, "the apple crop in the Middle West, especially in Northern Arkansas and Southern Missouri, has been little more than a complete failure. The heavy frosts last May killed some of the best fruit. In 1907 the crop was a failure.

"The crop three years ago did very well, and great quantities were put into cold storage. But now that supply has given out, and we are forced to draw on other states for our supply. At present we are using mostly Kansas apples which are vastly inferior to Missouri apples. In Northern Missouri the apple crop last year was not such a complete failure as in the Southern Missouri, but the crop there is not large. There are less than one-tenth as many apples grown in Northern Missouri as there are grown in the Southern part of the state.

"The supply regulates the demand, and the demand regulates the price. Years ago, when the apple crop was not so large as it is now, there were fewer apples bought. At present on almost every corner there there is a fruitstand, consequently the people buy more apples. This demand is just great when there is a failure as when there is an abundance. Therefore when there is a shortage, the price is raised."

"Do you think there are good prospects for a big crop this year?" Prof. Howard was asked.

"Indications point to a fine crop in Missouri this season. There is seldom a complete failure. It rarely happens that there are three failures in succession, as in the last three years. Such a failure may not happen again in a generation."

The Methodist Episcopal Church enjoyed another great day Sunday. The morning services with the Sunday School was somewhat hindered on account of the weather but the interest was good nevertheless. The general class meeting at 4:15 in the afternoon was no doubt the richest and most uplifting ever held in the church. A large company were present, the majority of which was men, and it was a real pentecost indeed. In the evening, the pastor, Rev. Stevens feeling somewhat indisposed, Rev. J. R. Haymes occupied the pulpit to the great delight of the people. The power fell upon the preacher and congregation while the soul-touching words fell from his lips. It was a great message full of power, and beautifully and systematically arranged. After the sermon the pastor called for seekers. Three persons responded. It was truly a great day.

Near Death In Big Pond.

It was a thrilling experience to Mrs. Ida Soper to face death. "For years a severe lung trouble gave me intense suffering she writes," "and several times nearly caused my death all remedies failed and doctors said I was incurable. Then Dr. King's New Discovery brought quick relief and a cure so permanent that have not been troubled in twelve years." Mrs. Soper lives in Big Pond, Pa. It works wonders in Coughs and Colds, Sore Lungs, Hemorrhages, LaGrippe, Asthma, Croup, Whooping Cough and all Bronchial affections. 50c and \$1.00 Trial bottle free. Guaranteed by A. H. Cox & Co.

There were five additions to the Baptist church Sunday.

Rev. Allen of the Baptist church, went to Peirce City to assist in baptizing converts.

A two-year-old daughter of Silas West, of Oronogo, was brought to this city for interment, Monday.

Ora Hudson, bookkeeper in the First National Bank, visited over Sunday with relatives in Cassville.

Some one has started up again that endless chain letter writing humbug. The chain snaps every time it connects with this office.

I Can Do It.

The grade is steep and the hill is long
But the engine sings its merry song,
I—can-do-it, I—can-do-it, I—can-do-it,
And I will.

The load it draws is far from light
But it pulls with all its sturdy might
And its song re-echoes clear and bright
I—can-do-it, I—can-do-it, I—can-do-it,
And I will.

The grades of life are steep and long,
But what of that if your heart is strong?
You—can-do-it, You—can-do-it, You—can-do-it,
If You Will.

The load you bear may not be light,
But beyond the hill is a vista bright,
So sing this song with all your might,
I—can-do-it, I—can-do-it, I—can-do-it,
And I will.

FINDING OF FACTS IN BIG LAND SUIT.

Judge Neville Says Purchase Money Was Not Tendered Within Time Limit.

Judge Neville at Springfield filed yesterday in circuit court a finding of facts in the suit of J. H. McQuary and the Missouri Land and Development company against the Missouri Land company of Scotland. McQuary contracted to buy 71,000 acres of land in Barry county at approximately \$360,000.

Judge Neville in his finding of facts says that there was an escrow agreement between the parties by which the Scotch company was to deposit a deed to the land to McQuary and he was to deposit an equivalent deed to the Missouri Land and Development company. A deed of trust was also to have been made and with \$500,000 in bonds deposited in the First Trust and Savings bank of Chicago with the deeds.

The finding further recites that there was a specified time for the raising of subscriptions of \$30,000. This money was to be tendered to the Scotch company as part of the purchase price of the land and the deeds were then to be delivered. Judge Neville finds that the time for the payment of the \$30,000 had been extended repeatedly, but not to the date on which tender was made. The court further finds that the bonds were not deposited with the bank and that the bank did not receive or approve any subscriptions to the bonds.

The case was heard by Judge Neville a few weeks ago, coming on change of venue from Barry county. It will be argued before Judge Neville, March 19.

Frisco Cutting Down.

Monett was not the only place effected by the temporary cutting down of employees. Kansas City, Cape Girardeau and other points felt the blow. It is stated that the order affected about 1,800 employees in the mechanical department.

The Tomato Industry.

While in Marshfield the other day Prof. H. E. Blaine secured some figures on the tomato industry of Webster county.

There are 100 canning plants in the county both large and small. There were planted last year 2407 acres.

There were canned 359 car loads of tomatoes.

The price per dozen cans averaged about 90 cents or \$890,000 a car load.

The gross receipts were \$287,200, or a little over \$119.00 per acre.

The industry began five years ago at Marshfield and has extended to all parts of the county. Many of the establishments are cooperative while others are run by individual farmers.

St. Louis Railway Club

The regular monthly meeting will be held in the parlors of the Southern Hotel at 8 o'clock Friday evening, March 12 at which time a paper will be presented by Mr. D. T. Taylor, General Foreman Car Department, St. L. & S. F. Ry., Monett, entitled "The Piece or Premium System of Organization—Development and Economy—Day Work Fallacy Exposed." This subject treats of car repairs or the piece work system of the car department and should prove interesting. Mr. Taylor is thoroughly posted on this subject and will have an interesting paper.

KILLS MISSOURI'S TWO-CENT RATE LAW

Judge McPherson, in Decision Rendered at Kansas City, Terms Fare Confiscatory

Kansas City, Mo., March 8.—Missouri's 2-cent passenger and maximum freight laws were nullified by a decision handed down here today in the United States District Court by Judge Smith McPherson, of Red Oak, Ia.

As a result, it is believed, there will be a quick return in Missouri to 3 cent fares. Frank Hagerman, for the eighteen companies involved asserts today's decision sounds the death knell of the 2 cent rate in every State in the Union.

Judge McPherson held that both commodity and passenger laws were confiscatory and unconstitutional, and Mr. Hagerman declared that it is not conceivable that if the 2-cent rate is confiscatory in Missouri, it can be compensatory in States.

The State on the other hand, declared emphatically that Missouri's fight for lower rates would continue.

Attorney General Major, who succeeded Herbert S. Hadley to that office, and who was in court today when the decision was read, said an appeal would be asked to pass new rate laws that would stand the test of the courts.

Governor Hadley made a similar statement at Jefferson City.

Horrible Accident.

The entire community was inexpressibly shocked last evening by the announcement that Beryl Skeels, the 16 year old son of Gus Skeels was killed at the Great Western shops. The young man was employed as a helper in the blacksmith shops. For the past two days they had been troubled with a hot box in the upper shafting. At a few minutes past 5 o'clock young Skeels went up to oil the shafting. Just how it happened no one will ever know but it is presumed that his clothing must have caught in a burr on the pulley wheel. His body was instantly wrapped around the shaft which threw the belt from the pulley and stopped the machinery. When his horrified comrades reached the body his clothing was torn from his body, his legs were wrapped around the shaft like a piece of cord, the top of his head was torn off and pieces of the skull and brain were thrown about the room and through the window and his head almost severed from the body.

This sad occurrence has thrown a pall over the entire community. That a young man of such promise should be called from earth is sad indeed but that he should meet his death in such an untimely manner is doubly shocking. His mother is nearly crazed with grief and is being tenderly ministered to by loving and sympathizing friends.—Oelwein (Ia.) Record.

Beryl Skeels was the brother of the young man who was accidentally shot at Monett in the Harvey house last summer. His parents were here for some time and made many friends.

A letter posted in any part of London will be delivered anywhere within the city limits within two hours. It is possible to mail a letter at noon and get an answer before the close of business.—Postal Service Magazine.

Mr. and Mrs. F. C. Williams spent Sunday at Peirce City.

Obituary.

Died at his home 4 miles north of Monett March 4, 1909 Robert Means.

He was born near Hopkinsville, Jackson Co Ky Feb. 28, 1815.

He came to Mo in 1880 was married to Polly R. Ferguson of Lawrence Co Mo Nov. 13, 1840.

To this union were born 13 children, 5 boys and 6 girls living, 2 girls dying in infancy.

He was converted in 1828 and lived a consistent Christian life.

The large number of people followed him to his last resting place showing what love and respect his neighbors and friends bore him.

He had lived the most of his life on the old homestead where he died. His death like his life was quiet and peaceful.

He had been afflicted by blindness and rheumatism for several years.

Although not able to visit he always appreciated company and had a kind word and smile for all.

Feb 28 only 4 days before his death he sat at the table with his children and grandchildren who had spread a dinner to celebrate his 94th birthday.

He leaves his wife and children and 39 grand-children, 19 great-grand-children, and many other relatives and friends to mourn the loss of a good and noble man.

May Father Means' God bless and keep his large family and at the last day gather them, with out the loss of one, to meet their earthly father and their Heavenly Father around the Great White Throne.

The funeral was conducted by Bro. Luther Carlin at Mt. Olivet Church where Father Means had been a member for many years.

His body was laid to rest in the Mt. Olivet Cemetery.

A member of the family.

Jefferson City, March 5.—A joint and concurrent resolution was yesterday introduced in the Missouri house and senate for a constitutional amendment for a bond issue of \$5,000,000 for the construction of a new capitol building.

Representative R. D. Silver of St. Charles, introduced the resolution in the house, and Senator Allee of Miller county, in the senate.

Should the resolution be approved it will be submitted to the people at the general election in November, 1910. It provides the present rate of taxation shall not be increased, but that the money with which to build and equip the capitol be obtained by a bond issue not to exceed \$5,000,000. This bond is to be authorized by the next general assembly, following the adoption of the amendment by the voters.

The bonds, it is provided, shall bear interest at a rate not to exceed 3 per cent, payable thirty years from date of issue, but redeemable after ten years at the option of the state.

The present capitol was commenced in 1838 and was occupied by the legislature in 1840-41. It cost about \$350,000, and is of gray, hewn stone, taken from the bluffs near the building. In 1887 the building was remodeled at a cost of more than \$220,000. Two new wings were added.

The building is 300 feet long and 112 feet deep. The capitol, on its high elevation, is an imposing structure and not unattractive, though it long since began to show the ravages of time.

Several of our tax payers when in Cassville recently examined the Electric lighting plant that is run by the mill power and were agreeably surprised. They feel that a plant could be easily installed in connection with our water works system.

Y. M. C. A. Notes

Rev. S. F. Stevens, pastor of the M. E. Church gave a soul stirring address at the men's meeting at the Y. M. C. A. on Sunday afternoon, on the subject "Life's Relationships." It was greatly appreciated and thoroughly enjoyed by all present. Rev. R. W. Blunt, pastor of the Christian Church will speak next Sunday and also give a short talk at the mill shop Wednesday noon.

Obituary

Mary D. Lenhart nee Hart, was born October 29, 1854, in Davies County, Missouri. Died March 3, 1909, at Aurora, Mo., aged 54 years, 4 months, 4 days. Was married January 10, 1873 to R. D. Lenhart. To this union four children were given. One son, W. F. Lenhart, of Monett, Mo. and one daughter, Mrs. George Callaway, of Cassville, Mo. She leaves her husband, R. D. Lenhart, her two children, her father, who is 78 years old and whose home is in Huntley, Nebraska, four sisters, Mrs. S. E. Terry of Huntley, Neb., Mrs. Delia Terhune of Melbourne, Mo., Mrs. Lydia Golphnee of Kansas City, Mo. and Mrs. Sarah Hudson of Melbourne, Mo., two brothers, D. C. Hart, Brookfield, Mo. and W. R. Hart of Huntley, Neb., and seven grandchildren, Wiley Lenhart, Dee, Althea, Joe, Robert, Geneva and Elizabeth Callaway, and a host of friends to mourn this loss which is her gain.

The subject of this sketch was taught to read the Bible and to obey its precepts, even where it says: "Remember now thy Creator in the days of thy youth." In childhood she gave her heart to God and took the church vows. She was strong in the faith and rich in grace and happy in expectation. In her last moments she said: "I am going home to die no more," and "Jesus, oh my precious Saviour" thus bequeathing to her dear companion and beloved children a Christian character and a Godly example.

Farewell dear family, relatives and friends, this sinful world I will roam no more, but yonder on the other shore I will stand in Glory waiting for thee, Oh meet me there for all is love.

The funeral services took place from the home on Elliott avenue in Aurora, Mo., conducted by Rev. S. E. Cole of the M. P. Church, assisted by Rev. M. A. Prater of the Presbyterian Church. Interment was made in Maple Park cemetery at Aurora.

REV. M. A. PRATER.

Died

Andy Stringer died at the home of his mother, Mrs. L. Stringer in West Monett Sunday night about 8 o'clock. His death was caused by lung trouble from which he had suffered for several months. The funeral was held at the home Tuesday afternoon at 2 o'clock, conducted by Rev. James McCrory. Interment was made in Odd Fellows cemetery. Andy Stringer had lived in Monett most of his life. He leaves besides his mother, five sisters—Kirk Newberry, Mrs. Jas. Turpin, Mrs. Guy Miller, Mrs. Chas. Surrell, Miss Mattie Stringer, and three brothers, Arley, Reuben and Everett Stringer.

He was a member of the Monett volunteer fire department and his comrades acted as pall bearers at his funeral.

Clem Stuckey of Peirce City, visited in Monett Sunday.

J. D. Tate of Kings Prairie, was trading in Monett Monday.

The infant of Dr. and Mrs. Q. O. Hudson was buried at Peirce City Sunday.

Miss Tanner and Miss Myers of Chester, visited Mr. and Mrs. Hudson Sunday.

Chas. Moore has returned to Joplin after a visit with his sister, Mrs. John Tate.

The postal savings banks in Japan have deposits amounting to \$52,150,930.

In England there are more than 10,000,000 depositors in postal savings banks.

Mrs. Harry Osborne has been seriously ill the past few days. Her mother, Mrs. Wiley is with her.

Sol Newman went to Joplin on business Tuesday.

Revival services at the Southern Methodist Church tonight.

The L. A. to O. R. C. will meet Wednesday afternoon. Balloting on candidates. Members requested to be present.

John Boehm has returned to Marionville after spending Sunday and Monday with his parents.

Mrs. Fred Rice's daughter Laura is threatened with pneumonia.

Mr. and Mrs. John Hinkel went to Shreveport, La., Monday night for a visit with friends.

Conductor W. B. Green went extra on the fast mail to Sapulpa, Tuesday.

Col. R. D. Creed is putting in four acres of Warfield and Dunlap Strawberry plants.

Snow fell in northern Iowa and the Dakotas Monday and at Denver Col., the thermometer registered six above zero.

The divorce suit of Tom Allen will be tried at Galena, Mo., today. It went to that place on change of venue from Barry county.